

ARTICLE

LOGGING OFF: A COMPREHENSIVE AGENDA FOR SOCIAL MEDIA AND MENTAL HEALTH

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ABSTRACT

The advent of social media in the first decade of the 21st century promised a new era of connectedness; instead, we are more isolated than ever — especially our youth. The ubiquity of social media platforms has played a leading role in a mental health crisis plaguing American adolescents. As a United States Senator, I believe our government has a compelling interest in acting to counter these disturbing trends. In this Essay, I discuss a comprehensive policy agenda the U.S. government should pursue to safeguard young Americans from the harms social media can cause.

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I. INTRODUCTION

For the first decade or so of the existence of the internet, its utility in the public imagination went from a novelty only for those with computer skills to a tool for connecting all humankind via social media and a variety of applications. While such a rapid increase in use and array of functions has brought benefits for many, those benefits have come with an epidemic of mental health issues, including increased instances of depressive episodes, unhealthy comparisons between oneself and others on social media platforms, and alarming dips in abilities to interact with others beyond a screen. I have come to believe that the United States Congress has a compelling interest in responding to the mental health crisis among American youth, and I have introduced and supported several pieces of legislation doing so.

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II. SHIFTING DATA ON INTERNET USE

In 2006, *Pew Research Center* issued a report, *The Strength of Internet Ties*, asserting that the World Wide Web helped “build social capital” and, “[r]ather than conflicting with people’s community ties, we find that the internet fits seamlessly with in-person and phone encounters.”¹ At that point, the report reads, internet users had “somewhat larger social networks than non-users” and were not sacrificing in-person contact in favor of conversations had from behind a screen to any significant extent.² The 2006 *Pew* report pre-dated the launch of Twitter and the point at which Facebook began allowing anyone above the age of thirteen with a valid email address to register (before that point, it was only available to those with university emails), meaning its findings reflected an internet environment that simply does not exist anymore.³

Pew released another report in May 2013, this one specifically addressing the social media habits of America’s teenagers.⁴ Its authors wrote, “[t]he frequency of teen usage may have reached a plateau,”⁵ forty-two percent of teens reported visiting social media websites “several times a day.”⁶ In the survey informing *Pew*’s published findings—conducted between July 26 and September 30, 2012—fifty-two percent of the teens who reported using the internet said they had an experience online that “made them feel good about themselves.”⁷ Breaking down the groups into smaller categories, fifty-seven percent of teens who used social media said they had a positive experience online, whereas only thirty percent of teen internet users who did not have social media accounts reported the same.⁸

Much as the 2006 *Pew* report offers a glimpse into a time before social media became seemingly essential to the adolescent experience in the United States and elsewhere, the 2013 report relied on data obtained just before and after Facebook acquired Instagram. The image-sharing app’s monthly active users increased to 100 million in February 2013, less than a year after Facebook purchased the platform but months after the 2013 *Pew* report’s data was

¹ Jeffrey Boase, John B. Horrigan, Barry Wellman & Lee Rainie, *The Strength of Internet Ties*, PEW RSCH. CTR. (Jan. 25, 2006), <https://www.pewresearch.org/internet/2006/01/25/the-strength-of-internet-ties/> [<https://perma.cc/T3A7-SYTM>].

² *Id.*

³ *Terms of Use*, FACEBOOK (Dec. 13, 2006), <https://web.archive.org/web/20061230091603/http://www.facebook.com/terms.php> [<https://perma.cc/3HWT-G26P>].

⁴ Mary Madden, Amanda Lenhart, Sandra Cortesi, Urs Gasser, Maeve Duggan, Aaron Smith & Meredith Beaton, *Teens, Social Media, and Privacy*, PEW RSCH. CTR. (May 21, 2013), https://www.pewresearch.org/wp-content/uploads/sites/9/2013/05/PIP_TeensSocialMediaandPrivacy_PDF.pdf [<https://perma.cc/A25X-GVDV>].

⁵ *Id.* at 22.

⁶ *Id.*

⁷ *Id.* at 21–22.

⁸ *Id.* at 12.

compiled.⁹ Instagram passed the two-billion-user mark in late 2021.¹⁰ Given the ubiquity of Facebook at the time, its acquisition of Instagram allowed the latter to expand to the point at which half of Americans say they use the platform today.¹¹

During the same period of time when social media usage rose, the U.S. also saw a rapid increase in mental health challenges among preteens, teens, and young adults, as detailed further below.¹² Thankfully, mainstream media and health officials have recently made greater steps to recognize the crisis, and a growing number of lawmakers are actively collaborating to find solutions. The problem facing the nation, though, is a large one—and the statistics demonstrate both the scope and severity of these fundamental challenges.

III. THE MENTAL HEALTH CRISIS

Rates of mental health issues—especially among our country’s youth—have exploded in the U.S. over the same period of time in which social media became a commonly-used product. Twenty percent of Americans between the ages of twelve and seventeen had at least one major depressive episode in 2021.¹³ Rates of adolescent depression nearly doubled between 2009 and 2019,¹⁴ and emergency room visits by children and teens for mental health reasons also rose significantly during the second decade of the 21st century.¹⁵ Suicide rates among Americans between the ages of ten and twenty-four remained stable from 2000–2007 before increasing by over fifty-seven percent over the next eleven years, demonstrating a profound increase in the intensity of our country’s youth mental health crisis.¹⁶

⁹ See Julianne Pepitone, *Instagram hits 100 million users*, CNN (Feb. 26, 2013), <https://money.cnn.com/2013/02/26/technology/social/instagram-100-million-users/> [https://perma.cc/PV8W-JAVY]; Madden et al., *supra* note 4, at 21.

¹⁰ Salvador Rodriguez, *Instagram surpasses 2 billion monthly users while powering through a year of turmoil*, CNBC, (Dec. 14, 2021), <https://www.cnbc.com/2021/12/14/instagram-surpasses-2-billion-monthly-users.html> [https://perma.cc/9LKW-YE3F].

¹¹ See *Social Media Fact Sheet*, PEW RSCH. CTR. (Nov. 13, 2024), <https://www.pewresearch.org/internet/fact-sheet/social-media/> [https://perma.cc/DL7J-YXBB].

¹² See *infra* notes 13–30 and accompanying text.

¹³ SUBSTANCE ABUSE AND MENTAL HEALTH SERV. ADMIN., DEP’T OF HEALTH & HUM. SERVS., *KEY SUBSTANCE USE AND MENTAL HEALTH INDICATORS IN THE UNITED STATES: RESULTS FROM THE 2021 NATIONAL SURVEY ON DRUG USE AND HEALTH* 38 (2022).

¹⁴ Sylvia Wilson & Nathalie M. Dumornay, *Rising Rates of Adolescent Depression in the United States: Challenges and Opportunities in the 2020s*, 70 J. OF ADOLESCENT HEALTH : OFF. PUBL’N OF SOC’Y FOR ADOLESCENT MED. 354, 354 (2022).

¹⁵ See Tanner J. Bommersbach, Alastair J. McKean, Mark Olfson & Taeho Greg Rhee, *National Trends in Mental Health-Related Emergency Department Visits Among Youth, 2011-2020*, 329 J. OF THE AM. MED. ASS’N. 1469, 1469 (2023).

¹⁶ SALLY C. CURTIN, NAT’L CTR. FOR HEALTH STATISTICS, NAT’L VITAL STAT. SYS., *STATE SUICIDE RATES AMONG ADOLESCENTS AND YOUNG ADULTS AGED 10–24: UNITED STATES, 2000–2018* (2020), <https://www.cdc.gov/nchs/data/nvsr/nvsr69/nvsr-69-11-508.pdf> [https://perma.cc/YSL7-BRDS].

Suicide is far more common now than it was fifteen years ago. In 2022, death by suicide in the United States reached its highest level since 1941,¹⁷ and suicide has become the second leading cause of death for both young teens and adults between the ages of twenty-five and thirty-four.¹⁸ The numbers concerning teens (and specifically teen girls) are even more frightening. In 2021, according to the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Survey, nearly one-third of teenage girls in the U.S. seriously considered suicide.¹⁹ The same report showed about twenty-five percent of American high-school girls made a plan to take their own lives.²⁰ Nearly ten percent of high-schoolers—and thirteen percent of our country's high-school girls—went so far as to actually attempt suicide.²¹

Other serious indicators of the mental health crisis have also become more prevalent over the same period of time. The question of whether young people feel satisfied with themselves—an indicator of general self-image—has also been polled over time. That question is, of course, nowhere near as severe as self-harm, but the percentage of American students—in the 8th, 10th, and 12th grades in one notable survey conducted by the Monitoring the Future organization—who reported feeling satisfied with themselves has declined a noticeable degree.²² While feelings of satisfaction peaked in 2011 with both boys and girls hovering around seventy percent, those numbers dropped substantially in the ensuing years.²³ By 2019, just over sixty percent of boys and just under sixty percent of girls reported the same.²⁴ A similar statistic, also compiled by Monitoring the Future, addresses whether American high-schoolers feel their life has meaning. In 2010, about twelve percent of both high-school boys and girls agreed with the notion that “life often feels meaningless.”²⁵ By 2019, that number had reached about twenty percent for teens of both genders.²⁶

While twenty percent may not seem like a particularly large number, the increase since 2010 is significant. The statistics support the conclusion that the U.S. is deep in the throes of a mental health crisis,²⁷ and the issue has become so prevalent that there is now a growing collection of literature dealing with youth mental health. New York University Stern School of Business professor

¹⁷ See The Associated Press, *Suicides in the U.S. reached all-time high in 2022, CDC data shows*, NBC NEWS (Aug. 10, 2023), <https://www.nbcnews.com/health/mental-health/cdc-data-finds-suicides-reached-time-high-2022-rcna99327> [<https://perma.cc/939Y-JRGZ>].

¹⁸ See CTRS. FOR DISEASE CONTROL AND PREVENTION, *WISQARS Leading Causes of Death Visualization Tool* (2022), <https://wisqars.cdc.gov/lcd/> [<https://perma.cc/RR47-6ZFS>].

¹⁹ See CTRS. FOR DISEASE CONTROL AND PREVENTION, *YOUTH RISK BEHAVIOR SURVEY DATA SUMMARY & TRENDS REPORT: 2013–2023*, at 60–61 (2024), <https://www.cdc.gov/yrbs/dstr/index.html> [<https://perma.cc/PE3T-WH4D>].

²⁰ *Id.* at 62–63.

²¹ *Id.* at 64–65.

²² JONATHAN HAIDT, *THE ANXIOUS GENERATION: HOW THE GREAT REWIRING OF CHILDHOOD IS CAUSING AN EPIDEMIC OF MENTAL ILLNESS* 132 (2024).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 165.

²⁶ *Id.*

²⁷ CTRS. FOR DISEASE CONTROL AND PREVENTION, *Protecting the Nation's Mental Health* (Aug. 8, 2024), <https://www.cdc.gov/mental-health/about/what-cdc-is-doing.html> [<https://perma.cc/T3Z3-VMMY>].

and social psychologist Jonathan Haidt, for instance, published his *The Anxious Generation: How the Great Rewiring of Childhood Is Causing an Epidemic of Mental Illness* in 2024, and detailed the distressing rise of mental illness among Americans in what has been termed Generation Z.²⁸ The crisis has also caught the attention of then U.S. Surgeon General Vivek Murthy, who in May 2023 issued an advisory on the subject.²⁹ Murthy noted many of the aforementioned trends and concluded that social media usage has played an integral role in the worsening condition of American kids' mental health.³⁰

IV. THE PROBLEM OF SOCIAL MEDIA

The common thread in nearly every discussion of the mental health crisis is social media use. While we should always be wary of relying on monocausal explanations, the timelines of both the drastic increase in mental health issues among American youth and the growing use of social media platforms line up nearly perfectly. According to a 2024 *Pew* study, ninety-five percent of U.S. teens reported having access to smartphone.³¹ The same poll showed that about half of American teens describe their internet use as near constant.³² As far back as 2016, half of all American teens felt “addicted” to their phones.³³ Looking solely at social media rather than broader smartphone and internet use, fifty-four percent of teenagers in 2022 said it would be either “somewhat hard” or “very hard” for them to quit.³⁴ The same year, teenagers reported using certain platforms almost constantly: 19% used YouTube almost constantly, 16% used TikTok, fifteen percent used Snapchat, 10% used Instagram, and 2% used Facebook.³⁵ More than half of all teenagers reported using these apps, other than Facebook, everyday.³⁶ It is noteworthy that teenagers would use the descriptor “almost constantly” to characterize their social media usage when options like “several times a day” were available. As discussed earlier, forty-two percent of teens in 2013 said they visited social media sites “several times a day,” and the authors of that report wrote that “[t]he frequency of teen usage may have reached

²⁸ HAIDT, *supra* note 22, at 132.

²⁹ VIVEK MURTHY, SOCIAL MEDIA AND YOUTH MENTAL HEALTH: THE U.S. SURGEON GENERAL'S ADVISORY (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> [<https://perma.cc/M45D-6P5D>].

³⁰ *Id.* at 6–8.

³¹ Michelle Faverio & Olivia Sidoti, *Teens, Social Media and Technology 2024*, PEW RSCH. CTR. (Dec. 12, 2024), <https://www.pewresearch.org/internet/2024/12/12/teens-social-media-and-technology-2024/> [<https://perma.cc/Y4J4-AQ3U>].

³² *Id.*

³³ COMMON SENSE MEDIA, *New Report Finds Teens Feel Addicted to Their Phones, Causing Tension at Home* (May 3, 2016), <https://www.commonsensemedia.org/press-releases/new-report-finds-teens-feel-addicted-to-their-phones-causing-tension-at-home> [<https://perma.cc/4Z4X-U3G7>].

³⁴ Emily A. Vogels & Risa Gelles-Watnick, *Teens and Social Media: Key Findings from Pew Research Center Surveys*, PEW RSCH. CTR. (Apr. 24, 2023), <https://www.pewresearch.org/short-reads/2023/04/24/teens-and-social-media-key-findings-from-pew-research-center-surveys/> [<https://perma.cc/UK39-J6FE>].

³⁵ *Id.*

³⁶ *Id.*

a plateau.”³⁷ At that same point in time, fifty-two percent of teens surveyed reported having online experiences that “made them feel good about themselves.” It is notable that as the amount of time teens spend on social media platforms has risen, so too have rates of mental health issues.³⁸

Then Surgeon General Murthy, drawing upon the results of studies that prompted his advisory, warned of the adverse effects prolonged exposure to social media platforms can bring:

The mental health crisis among young people is an emergency—and social media has emerged as an important contributor. Adolescents who spend more than three hours a day on social media face double the risk of anxiety and depression symptoms, and the average daily use in this age group, as of the summer of 2023, was 4.8 hours. Additionally, nearly half of adolescents say social media makes them feel worse about their bodies.³⁹

The idea that using social media would make an adolescent feel worse about his or her body is not surprising. What might shock parents of preteens and teenagers, though, is the extent to which these platforms promote unhealthy attitudes toward young people’s body images. As Haidt writes in *The Anxious Generation*, apps like Instagram and TikTok utilize algorithms that “home in on (and amplify) girls’ desires to be beautiful in socially prescribed ways, which include being thin.”⁴⁰ Those social media apps continuously broadcast images and videos of exceedingly thin—and often very unhealthy—women, which in turn leads to the promotion of anorexia, or videos of “emaciated young women urging their followers to try extreme diets such as the ‘corpse bride’ diet or the water-only diet.”⁴¹ This can, of course, lead to physical health problems in addition to mental health issues. And, the data shows, adolescents understand the predicament they face.⁴²

Murthy described in his New York Times op-ed a discussion he had with students on the topic of mental health, which—almost inevitably, as he put it—led to a discussion of social media:

³⁷ Mary Madden, Amanda Lenhart, Sandra Cortesi, Urs Gasser, Maeve Duggan, Aaron Smith & Meredith Beaton, *Teens, Social Media, and Privacy*, PEW RSCH. CTR. (May 21, 2013), https://www.pewresearch.org/wp-content/uploads/sites/9/2013/05/PIP_TeensSocialMediaandPrivacy_PDF.pdf [<https://perma.cc/A25X-GVDV>].

³⁸ See Ctrs. for Disease Control and Prevention, *Youth Risk Behavior Survey Data Summary & Trends Report: 2013–2023*, at 60–61 (2024), <https://www.cdc.gov/yrbs/dstr/index.html> [<https://perma.cc/PE3T-WH4D>].

³⁹ Vivek H. Murthy, *Surgeon General: Why I’m Calling for a Warning Label on Social Media Platforms*, N.Y. TIMES (June 17, 2024), <https://www.nytimes.com/2024/06/17/opinion/social-media-health-warning.html> [<https://perma.cc/4PWT-X3VE>].

⁴⁰ HAIDT, *supra* note 22, at 133.

⁴¹ *Id.*

⁴² Murthy, *supra* note 39.

After they talked about what they liked about social media—a way to stay in touch with old friends, find communities of shared identity and express themselves creatively—a young woman named Tina raised her hand. “I just don’t feel good when I use social media,” she said softly, a hint of embarrassment in her voice. Her confession opened the door for her classmates. One by one, they spoke about their experiences with social media: the endless comparison with other people that shredded their self-esteem, the feeling of being addicted and unable to set limits and the difficulty having real conversations on platforms that too often fostered outrage and bullying. There was a sadness in their voices, as if they knew what was happening to them but felt powerless to change it.⁴³

This sense of powerlessness is not limited to the participants in Murthy’s discussion, and social media executives understand it quite well; it is, in a very real sense, their business model. Internal research conducted by Instagram’s parent company, Meta (formerly Facebook), found that about a third of teenage girls who use Instagram report the app makes them feel bad about their bodies.⁴⁴ Despite this, in a separate focus group, teen girls told Meta that they felt addicted to Instagram, and unable to stop using the app.⁴⁵

What we see from the available data and Murthy’s writings is consumers understanding the consequences of consuming a product. For various reasons, though, they cannot bring themselves to cease use. To readers, this description may bear a striking resemblance to that of cigarettes. Indeed, even though cigarette smokers may understand the risks of smoking in the abstract, such information may not be top of mind during the process of purchasing a pack of cigarettes. Both tobacco products and social media platforms have their own addictive qualities, and both tobacco producers and social media companies are incentivized to promote their products despite being fully aware of their adverse effects. As studies—including one commissioned by then Surgeon General Jerome Adams in 2020—have shown the mere presence of a visual warning label on tobacco products can induce consumers to think about those negative health effects.⁴⁶

V. THE STOP THE SCROLL ACT

⁴³ *Id.*

⁴⁴ Georgia Wells, Jeff Horwitz & Deepa Seetharaman, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, WALL ST. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739> [<https://perma.cc/NW9H-9U7M>].

⁴⁵ *Id.*

⁴⁶ *See* OFF. OF THE SURGEON GEN., U.S. DEP’T OF HEALTH AND HUM. SERVS., *SMOKING CESSATION: A REPORT OF THE SURGEON GENERAL 11–12* (2020) (“Large pictorial health warning labels on tobacco packages are effective in increasing smokers’ knowledge, stimulating their interest in quitting, and reducing smoking prevalence”) [hereinafter *SMOKING CESSATION*].

This is exactly why I introduced the Stop the Scroll Act in September 2024 alongside my colleague, Senator John Fetterman (D-Pa.). After Murthy offered the idea of a warning label for social media platforms—and forty-two state attorneys general signaled their support for such a proposal—Senator Fetterman and I began to make it a reality.⁴⁷ We know social media use is associated with mental health risks, and we know warning labels can increase awareness of those risks and even change behavior.⁴⁸ If people who use social media platforms first have to acknowledge their potential negative effects in a similar way to people who purchase cigarettes, it stands to reason they will also rethink their behavior before proceeding. It is also our belief that there is a compelling reason to provide citizens, in this case some of the most vulnerable citizens, with the tools to make an informed decision about whether to engage with a certain service. The Stop the Scroll Act does not determine the specific words appearing on the label. Aside from a warning about the potential negative effects of social media use, though, the label would have to display resources for addressing those effects, including the web address and telephone number of a suicide prevention and mental health hotline such as the 988 Suicide and Crisis Lifeline.⁴⁹

While the target audience may be teens, the warning label would appear on the devices of every American.⁵⁰ Similarly to notes on cigarette cartons, the social media warning would not prevent any American from using a website or an app.⁵¹ It would simply offer information with the relevant risks and dangers in mind.⁵² Social media companies have a patchy history where enforcing their own rules is concerned, and the Stop the Scroll Act includes language to prevent those companies from finding and exploiting loopholes or workarounds.

The clauses in our bill pertaining to loopholes that social media companies might attempt to exploit, like hiding the warning label in terms and conditions or allowing users to disable the warning, are not based on paranoia. They reflect the reality that social media companies have—quite successfully—maneuvered around existing legislation intended to protect children from the harms of social media use. As of now, the sole major piece of legislation on children and the internet is the Children’s Online Privacy Protection Act (“COPPA”) of 1998.⁵³ The years in which the law was signed and enacted—1998 and 2000, respectively—should be cause for concern. COPPA became law before the advent of social media and long before Americans became aware of the malignant effects social media platforms could have. Under COPPA, websites and other online services cannot collect personal information from children under thirteen years of age without parental consent, with one important

⁴⁷ Letter from National Association of Attorneys General, to Speaker of the House Mike Johnson, Senate Majority Leader Chuck Schumner, and Senate Minority Leader Mitch McConnell (Sept. 9, 2024), <https://ag.ny.gov/sites/default/files/letters/social-warning-label-letter.pdf> [<https://perma.cc/Y4YC-9TK3>].

⁴⁸ *Cf.* SMOKING CESSATION, *supra* note 46.

⁴⁹ Stop the Scroll Act, S. 5150, 118th Cong. § 4 (2024).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ 15 U.S.C. §§ 6501–06.

caveat: the websites and other online services must know the child is younger than thirteen.⁵⁴ Once social media platforms started rolling out, there was a clear incentive for companies not to verify whether users hit the standard minimum age of thirteen; kids twelve and younger could simply enter a false date of birth or check a box saying they were old enough to use the app or website. It is unsurprising many children younger than thirteen have done so. In fact, data collected by anti-child sex abuse nonprofit Thorn in 2021 regarding children between the ages of nine and twelve demonstrate just that.⁵⁵ When asked whether they had ever used certain social media sites, forty-nine percent of respondents between nine and twelve years old said they had used Instagram, fifty-two percent said they had used Facebook, fifty-eight percent said they had used Snapchat, and sixty-nine percent said they had used TikTok.⁵⁶

VI. AN AGENDA FOR THE SOCIAL MEDIA AGE

The Stop the Scroll Act is by no means a cure-all, but it is an opportunity to ensure all Americans who use social media platforms understand the mental health risks of their prolonged use. It does indeed address a problem needing attention, and it is my firm belief we would see results. The cigarette warning label studies are enough evidence to convince me this bill is worth signing into law. But we cannot stop there. The flaws inherent in COPPA—the failure of the law to ensure social media companies actually verify their users’ age—are significant, and we must consider a comprehensive social media policy agenda. Alongside Stop the Scroll are several other pieces of social media legislation aimed at plugging the holes in existing policy and beginning to tackle the epidemic of mental illness among our youth, including the Kids Online Safety and Privacy Act.⁵⁷ That bill, which I was proud to vote in favor of in July 2024, effectively combines two other bills I cosponsored: the Kids Online Safety Act (“KOSA”)⁵⁸ and the new Children’s and Teens’ Online Privacy Protection Act (“COPPA 2.0”).⁵⁹ The two-pronged attack, which the Senate approved overwhelmingly, fixes many of the problems of COPPA in its original form.

The Kids Online Safety and Privacy Act includes provisions accounting for the unique ways social media platforms may compromise the security of a child’s personal data and other related information.⁶⁰ It would prevent platforms from holding minors’ data overseas without providing proper notice, restrict the length of time during which children and teen’s personal data can be stored, and prohibit advertisements that specifically target individual children and teens or

⁵⁴ Children’s Online Privacy Protection Rule, 16 C.F.R. § 312.2 (2013).

⁵⁵ See THORN, RESPONDING TO ONLINE THREATS: MINORS’ PERSPECTIVES ON DISCLOSING, REPORTING, AND BLOCKING IN 2021 (2023), https://info.thorn.org/hubfs/Research/Thorn_ROT_Monitoring_2021.pdf [<https://perma.cc/P7WU-NFE5>].

⁵⁶ See *id.* at 13.

⁵⁷ Kids Online Safety and Privacy Act, S. 2073, 118th Cong. (2024).

⁵⁸ Kids Online Safety Act, S. 1409, 118th Cong. (2023).

⁵⁹ Children and Teens’ Online Privacy Protection Act, S. 1628, 117th Cong. (2021).

⁶⁰ See Kids Online Safety and Privacy Act, *supra* note 57.

endorse illegal products.⁶¹ In that way, it is similar to the original COPPA, with one very important change: the age group covered by these restrictions on data collection would extend to all minors under seventeen years old.⁶² The bill would also establish a “duty of care” with regard to the use of social media platforms by minors. Social media companies would be required to exercise reasonable care in the creation and implementation of design features to prevent a number of harms to minors including suicide, eating disorders, substance abuse, sexual exploitation, and violence.⁶³ Those changes to design features include curtailing infinite scrolling, autoplay, and reward systems based on the time spent on the app or website.⁶⁴

Platforms with more than ten million active monthly users would also be required to undergo annual independent audits resulting in a public report that, among other things, must assess the reasonably foreseeable risk of harm to minors on their platforms and describe steps taken to mitigate those harms.⁶⁵ On the data front, the platforms would have to provide information about how children and teens’ data is used and create parental control mechanisms for limiting geographic tracking, as well as screen time restrictions and other personalized settings.⁶⁶

In addition to limiting the use of their child’s data, parents under the Kids Online Safety and Privacy Act would be able to manage their child’s account and privacy settings.⁶⁷ While parents are already able to restrict their child’s phone usage through parental restriction settings, that does not impact the public or private status of a child’s account or any other platform-specific detail. The bill would create a study to determine the best possible options for verifying a minor’s age while keeping their privacy entirely intact and require social media platforms to develop a reporting mechanism specifically related to harms to minors; while some content may not violate an app or website’s terms of service, it may still be inappropriate for users under a certain age.⁶⁸

The Kids Online Safety and Privacy Act addresses many existing holes in U.S. law pertaining to social media platforms, but we must push just a little further with our legislative efforts. Working alongside Senators Ted Cruz (R-Tex.), Chris Murphy (D-Conn.), and Brian Schatz (D-Haw.), I introduced the Kids Off Social Media Act, which would set a federal minimum age of thirteen to open an account on a social media app or website.⁶⁹ Even though social media companies have nominal age limits, as discussed earlier, those companies are often reluctant to enforce their own rules. Our bill would make it easier for them: it would write a minimum age into U.S. law and require platforms to use the information they already have about a user to determine whether he or she meets

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *See id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Kids Off Social Media Act, S. 4213, 118th Cong. (2024).

the federal minimum age.⁷⁰ It would also require publicly funded schools to block and filter social media on their Wi-Fi networks,⁷¹ allowing our schools to be places of learning rather than places of endless scrolling.

VII. ADDRESSING THE ALGORITHMS

The Kids Off Social Media Act addresses one more topic which research suggests is vital: the use of algorithms. As previously discussed, existing algorithms on platforms like Instagram and TikTok have the potential to cause great harm to children through exposure to content related to eating disorders, for instance.⁷² The algorithms are also capable of introducing children to fringe beliefs founded in conspiracy theories that—by virtue of being kids—they will not have the tools to fully understand. A recent notable example of this phenomenon was the episode in fall 2023 during which TikTok users began sharing a 2002 letter written by al-Qaeda terrorist leader Osama bin Laden.⁷³ The purpose of publishing his letter and their thoughts about it was not to raise awareness of the evil of jihadism or analyze a historical document, but to justify and sympathize with bin Laden’s arguments about the “crimes committed by the Americans and Jews.”⁷⁴ TikTok has claimed it does not engineer its algorithm to promote particular ideologies, but a Network Contagion Research Institute and Rutgers University study initially published in 2024 (and updated in 2025) suggests TikTok’s algorithms indoctrinate American users into anti-West positions.⁷⁵

The TikTok algorithm, and how finely-tuned it can become to a user’s interests, presents another issue: a feeling one cannot survive without it. In March 2024, lawmakers considered a bill to present TikTok with a choice between divesting from its parent company, ByteDance, or ceasing its U.S. operations, and TikTok deployed an unusually aggressive strategy.⁷⁶ Attempting to rally public opposition to the bill, TikTok urged its users to call their representatives—directing users to their elected officials using location tracking—and express their dismay at a potential ban.⁷⁷ Reporting at the time suggested most of the callers were teens, and they left messages like, “If you ban TikTok, I will kill myself.”⁷⁸ While TikTok did not explicitly promote

⁷⁰ *See id.*

⁷¹ *Id.*

⁷² *See* HAI DT, *supra* note 22, at 133.

⁷³ *See* Jim Geraghty, *Osama Bin Laden Is Duping Young People on TikTok from the Grave*, NAT’L REV. (Nov. 16, 2023), <https://www.nationalreview.com/the-morning-jolt/osama-bin-laden-is-duping-young-people-on-tiktok-from-the-grave/> [<https://perma.cc/5TFF-DXVY>].

⁷⁴ *See id.*

⁷⁵ *See* NAT’L CONTAGION RSCH. INST., THE CCP’S DIGITAL CHARM OFFENSIVE: HOW TIKTOK’S SEARCH ALGORITHM AND PRO-CHINA INFLUENCE NETWORKS INDOCTRINATE GEN Z USERS IN THE UNITED STATES (2024), https://networkcontagion.us/wp-content/uploads/NCRI-Report_-The-CCPs-Digital-Charm-Offensive.pdf [<https://perma.cc/M89L-NS9T>].

⁷⁶ *See* Sam Cabral, *Desperate TikTok Lobbying Effort Backfires on Capitol Hill*, BBC (Mar. 8, 2024), <https://www.bbc.com/news/world-us-canada-68517607> [<https://perma.cc/3UXM-L5N2>].

⁷⁷ *See id.*

⁷⁸ *See* NAT’L CONTAGION RSCH. INST., *supra* note 75.

threatening suicide, it did pressure its users to contact lawmakers.⁷⁹ According to a House Republican spokesperson, some callers said “TikTok wouldn’t let them on the app” before they placed a call to their representative.⁸⁰ My colleague, Senator Thom Tillis (R-N.C.), received a voicemail from a young-sounding caller who said, “I’ll shoot you and find you and cut you into pieces.”⁸¹ My office, and plenty others, received threatening messages as well.⁸² Clearly, there is a problem here. While there is a range of opinions regarding TikTok-specific legislation, there can be no question social media platforms have a hold on our country’s kids, and the use thereof has demonstrably negative effects.⁸³

VIII. OUR COMPELLING INTEREST

The strategy for curbing the negative effects of social media, though, must include passing several pieces of legislation. We must ensure social media platforms cannot target children through algorithms, getting them hooked on what executives themselves have described as a thoroughly addictive product. Sean Parker, the founding president of Facebook, said in a 2017 interview that the question he and his colleagues asked when designing their website was: “How do we consume as much of your time and conscious attention as possible?”⁸⁴ The answer to that question, he explained, is to “give you a little dopamine hit every once in a while, because someone liked or commented on a photo or post or whatever. And that’s going to get you to contribute more content, and that’s going to get you . . . more likes and comments.”⁸⁵ The social media companies, as Parker’s comments and Meta’s internal research indicate, know the potential consequences their products can have. It is incumbent on the representatives of the American people to meet our responsibility to safeguard our citizenry from threats, especially those most vulnerable: our children.

The Stop the Scroll Act will be an effective way to ensure social media users understand potential risks before deciding for themselves whether they would like to proceed to an app or website, drawing from the medical data available regarding the effects of prolonged social media use and the downstream consequences thereof. The Kids Online Safety and Privacy Act takes a two-pronged approach to the issue, making sure social media companies take care to prevent content related to self-harm, eating disorders, or other

⁷⁹ See Cabral, *supra* note 76.

⁸⁰ See *id.*

⁸¹ See Tara Suter, *Republican Senator says he was threatened over potential TikTok ban*, THE HILL (Mar. 20, 2024), <https://thehill.com/policy/technology/4545952-republican-senator-says-he-was-threatened-over-potential-tiktok-ban/> [<https://perma.cc/NEM3-TWKB>].

⁸² See Cristiano Lima-Strong, *Lawmakers see rise in threatening messages as TikTok users swarm Congress*, WASHINGTON POST (Mar. 21, 2024), <https://www.washingtonpost.com/technology/2024/03/21/congress-threats-tiktok-ban/> [].

⁸³ VIVEK MURTHY, SOCIAL MEDIA AND YOUTH MENTAL HEALTH: THE U.S. SURGEON GENERAL’S ADVISORY (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> [<https://perma.cc/M45D-6P5D>].

⁸⁴ Dave Lee, *Facebook founding president sounds alarm*, BBC (Nov. 9, 2017), <https://www.bbc.com/news/technology-41936791> [<https://perma.cc/GZ7X-SR2M>].

⁸⁵ *Id.*

similar topics from appearing on children's screens. The prevalence of legitimately unsafe materials on social media is a very real concern; the ease with which interest in, say, fitness could soon turn to exclusively seeing content related to anorexia is troubling—and it's even more troubling when looking at the data showing the rate of anorexia among American college students increased 100 percent in the 2010s.⁸⁶ It would also protect the information of minors under seventeen and allow parents more deference in managing their children's use of social media.⁸⁷ The Kids Off Social Media Act may be, depending on one's priorities, the most important of the three bills; it establishes a law to govern the age restriction social media companies already claim to use but do not enforce.⁸⁸ Available research tells us the most vulnerable time for children regarding social media use is the age group largely corresponding with the adolescent years.⁸⁹ It is incredibly important to ensure kids under the age of thirteen are not accessing social media, rewiring their brains to respond to online stimuli and drawing them away from their friends, families, and real-world hobbies.⁹⁰

Despite the staggering statistics regarding youth mental health issues and their relationship to social media use, not all is lost. Though lawmakers and thought leaders in the United States may be late to the game in recognizing the risks these apps and websites present, the wave of literature surrounding the issue does signal a growing appreciation of the urgent need to do something to stem the tide of our youth mental illness epidemic. Increased attention is not enough, of course. The U.S. government has a responsibility to the people we serve to enact legislation to combat the mental health crisis and its ties to social media use.

⁸⁶ See HAIDT, *supra* note 22, at 26.

⁸⁷ See Kids Online Safety Act, *supra* note 58.

⁸⁸ See Kids Off Social Media Act, *supra* note 69.

⁸⁹ Jacqueline Nesi, Sophia Choukas-Bradley & Mitchell J. Prinstein, *Transformation of Adolescent Peer Relations in the Social Media Context: Part I—A Theoretical Framework and Application to Dyadic Peer Relationships*, 21 CLINICAL TRIAL AND FAM. PSYCH. REV. 267, 267–68 (2018).

⁹⁰ Vivek Murthy, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> [<https://perma.cc/M45D-6P5D>].